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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600
SUA SPONTE
DECISION WITHDRAWING
HOLDING OF ABANDONMENT

In re Application of:
Mark J. Chambers, et al.
Application Serial No.: 09/902,051
Filed: July 10, 2001
For: **CMOS DC OFFSET CORRECTION
CIRCUIT WITH PROGRAMMABLE HIGH-PASS TRANSFER FUNCTION**

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A review of the subject application reveals that the Board of Patent Appeals and Interferences mailed a decision affirming the examiner's rejection of all claims, i.e., 1-10 on October 26, 2005. On November 4, 2005, the examiner mailed a Notice of Abandonment.

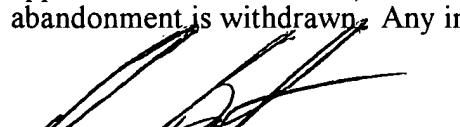
MPEP §1214, Procedure Following Decision by Board, states in part:
37 CFR 1.197. Action following decision.

(c) Termination of proceedings. Proceedings are considered terminated by the dismissal of an appeal or the failure to timely file an appeal to the court or a civil action (§ 1.304) except: (1) Where claims stand allowed in an application or (2) Where the nature of the decision requires further action by the examiner. The date of termination of proceedings is the date on which the appeal is dismissed or the date on which the time for appeal to the court or review by civil action (§ 1.304) expires. If an appeal to the court or a civil action has been filed, proceedings are considered terminated when the appeal or civil action is terminated. An appeal to the U.S. Court of Appeals for the Federal Circuit is terminated when the mandate is received by the Office. A civil action is terminated when the time to appeal the judgment expires.

The time for seeking review of a decision of the Board by the Court of Appeals for the Federal Circuit or the U.S. District Court for the District of Columbia is the same for both tribunals, that is, 2 months, or 2 months with the extension provided by 37 CFR 1.304 in the event a request for rehearing is timely filed before the Board, or as extended by the Commissioner. See MPEP § 1216. When the time for seeking court review (plus 2 weeks to allow for information as to the filing of an appeal or civil action, if any, to reach the examiner) has passed without such review being sought, the examiner must take up the application for consideration. [emphasis added]

It is apparent from the review of the application, that the examiner was over zealous in mailing a Notice of Abandonment prior to the expiration of the time period for seeking review.

Therefore, although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn. Any inconvenience caused petitioner is regretted.


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